

REMARKS

Applicant wishes to thank the Examiner for considering the present application. In the Final Office Action dated October 7, 2004, Claims 1-20 are pending in the application. Independent Claims 1, 13, 15, 16, and 17 are currently amended. No new matter has been added to this application. Applicant respectfully requests the Examiner for reconsideration.

In the present request for continuation, Applicant does not incorporate the proposed amendments of January 26, 2005 in response to the Advisory Action dated January 4, 2005. Applicant incorporates by reference all other amendments, except as just noted.

A phone interview was conducted March 14, 2005 with the Examiner in response to the Interview Summary dated February 15, 2005. Prior to the Interview Summary of February 15, 2005 and the last phone interview, a phone interview was conducted January 25, 2005, with the Examiner. The phone interview included a discussion of the Advisory Action dated January 4, 2005. The Advisory Action was mailed in response to the Amendment and Request for Reconsideration After Final Rejection dated December 7, 2004, which adopted previous suggestions discussed during a prior phone interview.

In the phone interview of March 14, 2005, the Examiner indicated that Claims 1, 15, and 17 are indefinite with respect to "means" as indicated in the last sentence. The Examiner suggested adding the word "tightening" to Claims 1, 15, and 17 in order to make them allowable. Accordingly, Claims 1, 15 and 17 are amended as indicated above.

Furthermore to the phone interview of March 14, 2005, independent Claims 13 and 16 were discussed. The Examiner indicated that in a meeting with the Primary Examiner, they determined that additional structure was needed to clarify "socket means." Accordingly, claims 13 and 16 are currently amended incorporating the patentably distinct feature discussed during the phone interview. Also, the Applicant and the Examiner discussed the possible use of the language now used in amended Claims 13 and 16.

Applicants believe that the claims are allowable and a Notice of Allowance indicating the same is respectfully requested.

In the Final Office Action dated Oct. 7, 2004, Claims 1-5, 11-13, and 16 were rejected under 35 U.S.C. §102(b) as being unpatentable over the Kerper patent (U.S. No. 5,227,924). The Applicant respectfully traverses these rejections.

Claim 1 recites a rear view mirror assembly having a mirror head for attachment to a vehicle support bracket. This mirror head includes an interior surface for defining an interior chamber and a periphery shaped for receiving a mirror. The assembly further includes a clamping means for attaching the mirror head to the vehicle support bracket. This clamping

means includes a socket means that is positioned within the interior chamber of the mirror head. The socket means defines a socket for receiving an end portion of the vehicle support bracket.

The socket means generally includes an endwall portion of the mirror head, a clamping plate for attachment to the endwall portion, and a tightening means for forcing the endwall portion and the clamping plate towards each other. The tightening means is utilized for forcing the clamping plate and the endwall portion towards one another so as to press fit the end portion of the vehicle mounting bracket therebetween. In that regard, the tightening means can prevent the mirror head from turning relative to the end portion of the vehicle mounting bracket. The tightening means being accessible while the tightening means is assembled. In this way, the present invention allows a fully assembled rear view mirror assembly to be released from one fixed position, moved to another position, and then fixed in that position by externally actuating the tightening means without disassembly.

The Kerper patent is directed to an adjustable rear view mirror assembly having internal fasteners for frictionally retaining the mirror in a predetermined position. Specifically, the Kerper patent (col. 4, lines 18-34) teaches screw elements 34 with intermediate springs 36 for mounting a clamp plate 26 to a backing plate. As illustrated in Figures 3 and 4, screws 34 and springs 26 are entirely located within an interior chamber of the rear view mirror assembly. In that respect, no portion of screws 34 is accessible from an exterior of the assembly. It also follows that screws 34 can only be actuated from inside the interior chamber of the assembly. Claim 1 recites that **the tightening means are accessible while the tightening means is assembled**. As noted by on page 4 of the Final Office Action, the Examiner agrees that, "Kerper does not teach a tightening means that is accessible while the means is assembled." The advantages of these limitations include the ability to position the mirror assembly without having to remove the mirror from the mirror assembly and access the assembly's interior chamber.

It is therefore respectfully submitted that the Kerper patent fails to teach or suggest the several limitations of Claim 1 and for that reason Claim 1 is allowable. It is also submitted that Claims 2-12, which depend from Claim 1, are allowable for the same reasons as Claim 1.

Independent Claim 13 recites a construction having similar limitations to those recited in Claim 1. Therefore, Applicant respectfully refers to the arguments provided for Claim 1 to establish that Claim 13 is allowable.

Furthermore, as to Claim 13, the Examiner states that the Kerper patent discloses an endwall portion having a socket and an opening. However, the Kerper patent teaches a plate 24 having a semicircular cylindrical portion 54 utilized for receiving a cam element 28. A separate housing element 16 having a sidewall opening 20 is provided for receiving a support

arm shaft 15. Claim 13 is significantly different in that it requests a head wall formed as a unitary plastic piece, namely the endwall portion, having both a socket and an opening formed therein. This construction minimizes the number of parts in the assembly thereby decreasing material costs, manufacturing cycle time, and manufacturing costs.

Moreover, the Examiner states on pages 4 and 5 of the Final Office Action that, "it is pointed out that Applicant has not claimed a mounting member that can mount both a shaft with a ball mount and an elongated shaft, but rather a dual mounting member that can mount 'an end portion or a ball mount'." In response, the Applicant has amended Claim 13 to include the suggestion made by the Examiner in a prior phone interview to include **a socket means defining a socket for receiving either of said end portion and said ball mount**. Moreover, the Examiner also suggested in the most recent phone interview that further structure needed to be added to the socket means. Accordingly, Claim 13 is amended to further include that **the socket has both a cylindrical section and a spherical section**, thus claiming the dual functionality as given in the specification.

It is therefore respectfully submitted now that the Kerper patent fails to teach or suggest the several limitations of Claim 13 and for that reason Claim 13 is allowable. It is also submitted that Claim 14, which depends from Claim 13, is allowable for the same reasons as Claim 13.

Independent Claims 15 and 17 recite a construction having similar limitations to those recited in Claim 1. Therefore, the Applicant respectfully refers to the arguments provided for Claim 1 to establish that Claims 15 and 17 are allowable for at least the reasons cited above.

Independent Claim 16 recites a construction having similar limitations to those recited in Claim 13. Claim 16 incorporates further language discussed during phone interviews. Therefore, Applicant respectfully refers to the arguments provided for Claim 13 to establish that Claim 13 is allowable.

Claims 6-10, 15, and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent in view of the Oishei patent (U.S. No. 1,938,541). Also, Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent. Applicant respectfully traverses these rejections.

Similar to the Kerper patent, the Oishei patent fails to teach an endwall portion having both a socket and an opening formed as a unitary plastic piece. In that regard, even if the proposed combination were made, it would not teach or suggest the invention. Thus, Applicant submits that Claims 6-10, 14, and 15 are nonobvious and allowable.

Claims 6-10 depend from currently amended Claim 1 and are thus allowable for the reasons stated for Claim 1 where neither the Oishei patent nor the Kerper patent teaches or suggests these limitations as noted above.

Claim 10 recites that the plurality of upstanding ribs extends from the endwall portion proximate to the opening. The Kerper patent discloses socket formed ledges in 54, 56, and 58, as noted by the Examiner on page 5 of the Final Office Action. However, neither the Kerper patent nor the Oishei patent disclose a plurality of upstanding ribs. Furthermore, neither the Kerper patent nor the Oishei patent disclose or suggest that a plurality of upstanding ribs extend from the endwall portion proximate to the opening. Therefore, for this additional reason, Claim 10 is allowable.

Claim 15 is allowable for the reasons stated above for Claim 1. Also, Claim 15 recites a dual mounting member having a clamping plate and a ribbed endwall for mating with the clamping plate and mounting the dual mounting mirror on either a ball mount or an elongated shaft. Specifically, the clamping plate and the ribbed endwall have spherical portions, which together define a ball receiving socket for encapsulating a ball mount. In this way, the spherical portions can be utilized for attaching the dual mounting mirror to the ball mount. Moreover, the clamping plate and the ribbed endwall have sleeve portions for sandwiching a shaft mount therebetween and mounting the dual mount mirror thereto. None of the prior art references teaches or suggests this dual mount construction. Additionally, none of the prior art references teaches or suggests the end wall having ribs extending therefrom. Moreover, none of the prior art references teaches or suggests the tightening means of the dual mounting member being accessible while the means is assembled. Therefore, Applicant respectfully submits that Claim 15 is allowable.

Likewise, independent Claim 17 is allowable for similar reasons as given for Claims 1 and 15. Also, dependent Claims 18-20 are allowable as depending from independent Claim 17.

In view of the foregoing remarks, Applicant submits that all of the claims remaining in the case, namely Claims 1-20, are allowable and a Notice of Allowance is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney at (248) 223-9500, if any unresolved matters remain.

Respectfully submitted,
ARTZ & ARTZ, P.C.

By: _____

John A. Artz
Reg. No. 25,824
28333 Telegraph Road
Suite 250
Southfield, MI 48034
(248) 223-9500

Date: April 7, 2005